

**CITY OF CLEWISTON
Regular Commission Meeting
September 17, 2012**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, September 17, 2012. The meeting was called to order at 6:00 p.m. by Mayor Richard Miller. Pastor Benjamin Escorcía gave the invocation and the audience recited the Pledge of Allegiance.

Attendance:

Commissioners Present: Mayor Richard Miller, Commissioner James Pittman and Commissioner Julio Rodriguez. Commissioner Mali Gardner and Commissioner Joseph Miller were absent.

Personnel Present: Finance Director Ted Byrd, Police Chief Don Gutshall, Utilities Director Kevin McCarthy, City Clerk Marilyn McCorvey, City Engineer Tommy Perry, Recreation Director Lance Ramer, Community Development Director Travis Reese, Public Works Director Sean Scheffler, Library Director Eric Tommerdahl, City Attorney Charles Schoech, Karen Moore and Andre Taylor.

Visitors Present: Jeff Barwick, Jerry Cochran, Benjamin Escorcía, Asa & Betty Godsey, Denise Hatton, John Hicks, Christine Howell, Donald Hughes, Robert Kirkwood, Amy McKown, Paula Pittman, Curtiss Pullen, Tish Swangler, John Wellslager, and Larry Wilcoxson.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – None

PUBLIC COMMENTS

Pastor Benjamin Escorcía came forward to speak about the victims of Hurricane Isaac and that his church is collecting items to send to them. He stated that a rental truck to take the supplies would cost about \$1500, not counting fuel. So he is looking for a local truck and driver and has faith that one will be found. Pastor Escorcía stated that he can be responsible for the room and board of a driver.

Pastor John Hicks came forward to inform everyone that the Ministerial Association will again have a Wonderful Week of Christmas December 8 – 15. The week will start with the Christmas Cantata and end with the Winter Wonderland. He invited the public to a meeting on October 10 to finish putting the week together.

Jerry Cochran stated that he understands that the City is in a box with the PRM contract. He stated that the City should keep in mind that vendors are not the City's friends; they are in business to make money. Mr. Cochran stated that the City should be sure that any contract is well understood before signing it.

1. Consent Agenda

- A. *City Commission Budget Workshop Minutes – August 2, 2012*
- B. *City Commission Workshop Minutes – August 16, 2012*
- C. *City Commission Special Meeting Minutes – August 16, 2012*
- D. *Joint Workshop Minutes – August 23, 2012*
- E. *City Commission Regular Meeting Minutes – August 20, 2012*
- F. *City Commission Budget Workshop Minutes – August 27, 2012*
- G. *City Commission Budget Workshop Minutes – September 6, 2012*
- H. *Interlocal Agreement with Hendry County re JAG program award*
- I. *Proclamation – September – National Ovarian Cancer Awareness Month*

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez to approve the Consent Agenda. Vote 3 yeas, 0 nays. (Commissioner Gardner and Commissioner Joseph Miller were absent)

RESOLUTION

- 2. Resolution No. 2012-09** – This resolution adopts a policy for tobacco usage in City buildings, facilities and vehicles. City Manager McKown read the resolution by title. Commissioner Pittman asked that no smoking at public building entries be added to the policy.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez to approve Resolution No. 2012-09 implementing a tobacco policy. Vote 3 yeas, 0 nays. (Commissioner Gardner and Commissioner Joseph Miller were absent)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 3. Annual Contract for Property and Casualty Insurance** – This item was tabled at the August meeting. City Manager McKown gave an update from PRM and stated that they had agreed to lower their premium \$12,500 in good faith. Because of the current contract, the City will have to continue with PRM this year but next year, we will give PRM proper notice of our intent to go out for bids. Mr. McKown stated that PRM has a board member for every entity that they represent, and in the future he will rotate that person so they don't become too familiar with personnel at PRM.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez to renew the contract with PRM in the amount of \$443,581 and authorize the City Manager to sign the Binding Authority. Vote 3 yeas, 0 nays. (Commissioner Gardner and Commissioner Joseph Miller were absent)

- 4. Defined Benefit Pension Plan Discussion** - This item was tabled at the August 16, 2012 Special Commission Meeting.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez to authorize a "hard freeze" on the current defined benefit plan with the Principal and authorize the City Manager to sign Amendment 1 with the Principal. Vote 3 yeas, 0 nays. (Commissioner Gardner and Commissioner Joseph Miller were absent)

- 5. Chamber of Commerce Agreement** - This agreement spells out the service the Chamber of Commerce will render to the City to constitute a public purpose for a yearly payment of \$5,000.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez to approve the Chamber of Commerce Agreement. Vote 3 yeas, 0 nays. (Commissioner Gardner and Commissioner Joseph Miller were absent)

- 6. Clewiston Museum Agreement** – This agreement spells out the services the Clewiston Museum will render to the City to constitute a public purpose for a yearly payment of \$5,000.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez to approve the Clewiston Museum Agreement. Vote 3 yeas, 0 nays. (Commissioner Gardner and Commissioner Joseph Miller were absent)

- 7. Scans Project Financing Proposals** – Honeywell received five proposals for financing our project. Bank of America has the lowest interest rate. None of the other proposals meet the local vendor ordinance match requirements. Commissioner Rodriguez asked what the City was pledging to Bank of America for collateral. Utilities Director McCarthy stated the City is pledging Utility revenues and that just enough to cover the debt will be pledged. Commissioner Rodriguez stated that the savings are diminishing and he is concerned about future revenues.

Commissioner Rodriguez made a motion to abort the Honeywell Project. Motion died for lack of a second.

Commissioner Pittman made a motion, seconded by Mayor Miller to accept the Bank of America financing proposal and authorize the Mayor or City Manager to sign the final financing documentation after review and acceptance by the City Attorney. Vote 2 yeas, 1 nay. Commissioner Rodriguez voted nay. (Commissioner Gardner and Commissioner Joseph Miller were absent)

- 8. Franchise Agreement Between the City of Clewiston and Pivotal Utility Holdings, Inc., d/b/a Florida City Gas.** The City desires to grant a non-exclusive franchise to Florida City Gas to permit the construction, maintenance and operation of gas facilities within the City. City Manager McKown stated that this is a standard type of franchise agreement. He stated we

already have in place agreements for telephone services and cable T.V. Mc. McKown stated that if the agreement is not approved, Florida City Gas will not be able to service businesses in the City.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez to approve the Franchise Agreement and authorize the Mayor to sign. Vote 3 yeas, 0 nays. (Commissioner Gardner and Commissioner Joseph Miller were absent)

- 9. Approval of CDBG Ranking List for 2011 CDBG Housing Grant 12DB-H08** The City solicited housing rehabilitation applications through August 27, 2012 and received four applications for assistance by the noticed cutoff date. The four applications that were received by the advertised deadline have been reviewed and ranked.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez to approve the CDBG Ranking List as provided by Nancy Phillips & Associates for the 2011 CDBG housing grant 12DB-H08. Vote 3 yeas, 0 nays. (Commissioner Gardner and Commissioner Joseph Miller were absent)

- 10. Presentation and Request for Funds from Disabled Veterans** – The City has donated \$3,000 to the DAV for 2011-2012. The DAV is requesting additional funds from the City to continue their transportation of disabled veterans. Bob Kirkwood and Robert Schall came to ask the City for additional funding for the DAV. Mr. Kirkwood stated they have reduced their spending by eliminating transportation on Friday's. Mayor Miller asked if it was a possibility that City residents might be able to contribute to the DAV through the utility billing system if it was allowable as he feels it is a worthy cause. Commissioner Rodriguez stated a lot of worthy causes come to the City and ask for funds. He stated he does not have a problem giving the additional funds this year, but will not commit for next year.

Commissioner Rodriguez made a motion, seconded by Commissioner Pittman to contribute an additional \$1,555 to the DAV. Vote 3 yeas, 0 nays. (Commissioner Gardner and Commissioner Joseph Miller were absent)

- 11. Departmental Monthly Activity Reports** – Presented for information only.

Utilities Director Kevin McCarthy asked the Commission for clarification on our purchasing policy regarding state contract pricing, piggybacking and the CNA process. Commissioner Rodriguez stated he likes to bid things and did not want to use these methods all the time. City Attorney Schoech stated it would be inappropriate to use any of these methods all of the time.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez that clarification of Ordinance 2009-02 is to allow piggybacking, the use of state contract pricing, or the CNA process in procuring goods and services when necessary. Vote 3 yeas, 0 nays. (Commissioner Gardner and Commissioner Joseph Miller were absent)

REPORTS FROM CITY MANAGER – none

REPORTS FROM THE CITY ATTORNEY – City Attorney Schoech informed the Commission that he is working on the Buchanan foreclosure documents and also preparing the closing documents for All Juices.

REPORTS FROM THE CITY COMMISSION – Mayor Miller stated that he is not hearing any negatives about the removal of the stop signs. City Engineer Tommy Perry stated that stop signs should not be used to slow traffic.

Adjournment:

The meeting was adjourned at 7:15 p.m.

Richard Miller, Mayor

Marilyn McCorvey, City Clerk